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28 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

29
30 DEMETRIC DI-AZ, OWEN DIAZ, and
31 LAMAR PATTERSON,

32 Plaintiffs,

33 v.

34 TESLA, INC. dba TESLA MOTORS, INC.;
35 CITISTAFF SOLUTIONS, INC.; WEST
36 VALLEY STAFFING GROUP;
37 CHARTWELL STAFFING SERVICES, INC.;
38 and DOES 1-50, inclusive,

39 Defendants.

40 Case No. 3:17-cv-06748-WHO

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43 **JOINT STIPULATION TO CONTINUE**
THE PRE-TRIAL CONFERENCE AND
TRIAL; [PROPOSED] ORDER

44 Pre-trial Conference: April 20, 2020
45 Time: 2:00 p.m.
46 Courtroom: 2, 17th Floor
47 Judge: Hon. William H. Orrick

48 Trial Date: May 11, 2020
49 Complaint filed: October 16, 2017

50 Case No. 3:17-cv-06748-WHO

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53 JOINT STIPULATION TO CONTINUE
54 PRE-TRIAL CONFERENCE AND TRIAL; [PROPOSED] ORDER

TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Civil Local Rule 7-12, Plaintiff Owen Diaz (“Plaintiff”), and Defendant Tesla, Inc. (“Defendant”) (collectively, the “Parties”), by and through their attorneys of record, hereby submit this Joint Stipulation to Continue the Pre-Trial Conference date and Trial date. Good cause exists given the unforeseen and difficult circumstances resulting from the Coronavirus Disease 2019 (“COVID-19”) pandemic, making it difficult, if not impossible, for counsel to safely travel to Northern California and for witnesses to appear for the currently scheduled trial date.

As such, the Parties request that the Court continue the trial until September 23, 2021, November 1, 2021, or the soonest date thereafter the Court is available. The Parties also request that the Court continue the Pre-Trial Conference from March 2, 2021 to a date that corresponds with the new trial date. Accordingly, the Parties stipulate as follows

WHEREAS, on October 16, 2017, Plaintiff filed his Complaint in California Superior Court;

WHEREAS, on November 22, 2017, Tesla removed Plaintiff's Complaint to the United States District Court for the Northern District of California (Dkt. No. 1);

WHEREAS, on December 20, 2018, Plaintiff was granted leave to amend his complaint to add a defendant, NextSource Inc. (Dkt. No. 56), and on December 26, 2018, Plaintiff filed his Amended Complaint, adding NextSource, Inc. as a party (Dkt. No. 57);

WHEREAS, the parties sought their first trial continuance from November 19, 2019 to March 2, 2020 to allow NextSource Inc., to prepare for trial (Dkt. No. 56);

WHEREAS, this Court continued the trial date from March 2, 2020 to May 11, 2020, due to a criminal trial taking priority (Dkt. No. 136);

WHEREAS, this Court granted the Parties' second request to continue the trial date from May 11, 2020 to June 8, 2020, in light of the ongoing COVID-19 pandemic (Dkt. No. 177);

1 **WHEREAS**, this Court vacated the June 8, 2020 trial date and continued the trial to
2 September 28, 2020, in light of the ongoing COVID-19 pandemic (Dkt. No. 206);

3 **WHEREAS**, this Court vacated the September 28, 2020, trial date and continued the trial
4 to January 19, 2021, in light of the ongoing COVID-19 pandemic (Dkt. No. 212);

5 **WHEREAS**, this Court vacated the January 19, 2021 trial date and continued the trial to
6 April 26, 2021, in light of the ongoing COVID-19 pandemic (Dkt. No. 220);

7 **WHEREAS**, other than the continuances related to the newly named defendant
8 NextSource, a criminal trial on this Court's docket, and the COVID-19 pandemic, there have
9 been no other continuances;

10 **WHEREAS**, good cause exists to continue the trial, given the unforeseen and difficult
11 circumstances resulting from the Coronavirus Disease 2019 ("COVID-19") pandemic and the
12 state-wide "Stay Home" order. These circumstances render it difficult, if not impossible, for the
13 Parties' counsel to safely travel to Northern California, and for witnesses and potential jurors to
14 safely appear on the currently scheduled trial date.

16 **NOW THEREFORE**, it is hereby stipulated by and between the Parties that:

17 (1) Trial is continued to September 27, 2021, with juror questionnaires to be
18 distributed on September 21, 2021, and a hearing set for September 23, 2021, to review the juror
19 questionnaires and exercise preliminary stipulated strikes for cause or hardship; OR

20 (2) Trial is continued to November 2, 2021, with juror questionnaires to be
21 distributed on October 29, 2021, and a hearing set for November 1, 2021, to review the juror
22 questionnaires and exercise preliminary stipulated strikes for cause or hardship; OR

23 (3) The trial is continued to the soonest date thereafter as the Court is available; AND

24 (4) The Pre-Trial Conference is continued to a date that corresponds with the new trial
25 date.

26 **IT IS SO STIPULATED.**

1 CALIFORNIA CIVIL RIGHTS LAW GROUP
2 ALEXANDER KRAKOW + GLICK LLP
3

4 DATED: March 1, 2021

By: /s Cimone A. Nunley

5 Lawrence A. Organ, Esq.
6 Navruz Organ, Esq.
7 Cimone A. Nunley, Esq.
8 J. Bernard Alexander, Esq.
9 Attorneys for Plaintiffs
10 DEMETRIC DI-AZ AND OWEN DIAZ

11 DATED: March 1, 2021

12 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

13 Bv /s Patricia M. Jeng
14 TRACEY A. KENNEDY
15 PATRICIA M. JENG

16 Attorneys for Defendant
17 TESLA, INC. dba TESLA MOTORS, INC.

18 [PROPOSED] ORDER

19 Based upon the Parties' Stipulation, and good cause having been shown, **IT IS HEREBY**
20 **ORDERED THAT:**

21 (1) The Pre-Trial Conference is continued to _____, 2021 at
22 _____.
23 (2) Trial is continued to _____, 2021 at _____.

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25
26 Dated: _____, 2021

27 Hon. William H. Orrick
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DECLARATION OF CONSENT

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that I obtained concurrence in the filing of this document from above-listed counsel for Defendant Tesla, Inc., which shall serve in lieu of their signature on the document.

Dated: March 1, 2021

By: /s Cimone A. Nunley
LAWRENCE A. ORGAN
NAVRUZ AVLONI
J. BERNARD ALEXANDER
CIMONE A. NUNLEY

Attorneys for Plaintiff OWEN DIAZ